

1 The Honorable Ricardo S. Martinez
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 BRANDON E. COOLEY, DDS AND AARON
11 C. COOLEY, DDS; CRAIG PEARCE, DMD
12 AND CRAIG PEARCE, DMD PLLC; SIMONE
13 W. KIM, DDS AND LISA W. PARK, DDS;
14 SUKHDEV SINGH, DMD; GLORIA TUCKER
15 DDS AND GLORIA TUCKER, DDS P.S., J.
16 BREWSTER BEDE DDS AND J. BREWSTER
17 BEDE DDS, P.S.; and DANIS L. LAIZURE
18 DMD d.b.a. WALLA WALLA DENTAL
19 CARE,

20 Plaintiffs,

21 v.
22 ASPEN AMERICAN INSURANCE
23 COMPANY,

24 Defendant.

25 Civil Action No. 2:22-CV-00480-RSM-TLF

26 STIPULATION AND ORDER
27 TO EXTEND STAY OF
28 PROCEEDINGS FOR 90 DAYS

29 Plaintiffs Brandon E. Cooley, DDS and Aaron C. Cooley, DDS; Craig Pearce, DMD and
30 Craig Pearce, DMD PLLC; Simone W. Kim, DDS and Lisa W. Park, DDS; Sukhdev Singh, DMD,
31 Gloria Tucker DDS and Gloria Tucker, DDS P.S.; J. Brewster Bede DDS and J. Brewster Bede
32 DDS, P.S.; and Danis L. Laizure DMD, and Defendant Aspen American Insurance Company
33 stipulate to, and respectfully request on the terms set forth herein, a 90-day extension of the stay of
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1 proceedings the Court entered in this case on May 4, 2022.

2 WHEREAS:

3 1. On March 11, 2022, Plaintiffs filed this action in King County Superior Court.
4 2. On April 11, 2022, Defendant removed the action to this Court pursuant to 28 U.S.C.
5 §§ 1332, 1441, and 1446 and Rule 101 of the Local Civil Rules.

6 3. On April 27, 2022, the parties stipulated to stay all proceedings in this case for 90
7 days.

8 4. On May 4, 2022, having considered the parties' stipulation, the Court issued an order
9 staying all proceedings in this action for 90 days. Docket No. 18. The Court further provided in its
10 Order that the parties could stipulate to further extend the stay at a later date. *Id.* at 5.

11 5. This action was stayed because:

12 a. It is a COVID-19 property insurance case in which Plaintiffs seek insurance
13 coverage from Defendant for losses resulting from compliance with government
14 COVID-19 orders;

15 b. The threshold legal issues in this case were being considered by appellate courts
16 interpreting and applying Washington law; and

17 c. The resolution of those appeals could provide guidance regarding the proper
18 resolution of this action and may narrow the issues presented to and litigated
19 before this Court.

20 6. The relevant appeals remain pending as of this date.

21 7. An extension of the stay by 90 days will allow the parties to efficiently litigate this
22 case and preserve party and Court resources.

23 8. The parties agree that Defendant will answer, move, or otherwise respond to
24 Plaintiffs' complaint 30 days after the expiration of the stay, unless the stay is further extended.

25 9. The stipulation will not prejudice either party. The parties do not waive any claims or
26 defenses with this stipulation.

1 IT IS HEREBY STIPULATED AND AGREED, pending the Court's approval, that the stay
2 the Court issued on May 4, 2022, is extended for 90 days from the date the Court enters an Order
3 granting this stipulation. The parties may stipulate to extend the stay at a later date. Either party
4 may also move to dissolve the stay at an earlier date if circumstances warrant. Defendant will
5 answer, move, or otherwise respond to Plaintiffs' complaint 30 days after the expiration of the stay,
6 unless the stay is extended.

7 The parties respectfully request the Court to enter the accompanying Proposed Order
8 granting the relief to which the parties have stipulated.

9 DATED this 26th day of July, 2022.

10 KELLER ROHRBACK L.L.P.

12 */s/ Gabe Verdugo

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18 *Attorneys for Plaintiffs*

19 *Signed with permission.

10 SIDLEY AUSTIN LLP

12 /s/ Robin E. Wechkin

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25 *Attorneys for Defendant*

1 ORDER
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3 The Court has considered the parties' Stipulated and [Proposed] Order. In light of the
4 parties' request to extend the stay previously issued in this case, and because the threshold legal
5 issues presented here are currently being considered by appellate courts applying and interpreting
6 Washington law, the Court **HEREBY ORDERS** that the stay is extended by 90 days. The parties
7 may stipulate to a further extension of the stay at a later date, and either party may move to dissolve
8 the stay at an earlier date if circumstances warrant.

9 **IT IS SO ORDERED.**

10 Dated: July 29, 2022



11 RICARDO S. MARTINEZ
12 CHIEF UNITED STATES DISTRICT JUDGE

13 PRESENTED BY:

14 SIDLEY AUSTIN LLP

15 /s/ Robin E. Wechkin

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29 *Attorneys for Defendant*

1 **CERTIFICATE OF SERVICE**

2 I certify that on this 26th day of July, 2022, I caused this document to be electronically filed
3 with the Clerk of the Court using the CM/ECF system, which will send notification of the filing to
4 the parties who have appeared in this case.

5
6 */s/ Robin E. Wechkin*

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